

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-7087

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BARRY L. COLEMAN, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, Chief District Judge. (3:05-cr-00367-JRS-1; 3:08-cv-00064-JRS)

Submitted: December 20, 2011

Decided: January 5, 2012

Before AGEE and DIAZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Barry L. Coleman, Jr., Appellant Pro Se. Angela Mastandrea-Miller, Stephen Wiley Miller, Assistant United States Attorneys, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Barry L. Coleman, Jr. appeals from the district court's orders denying his motions to file a notice of appeal out of time and for reconsideration in his 28 U.S.C.A. § 2255 (West 2006 & Supp. 2011) proceeding. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court.* United States v. Coleman, Nos. 3:05-cr-00367-JRS-1; 3:08-cv-00064-JRS (E.D. Va. June 13 & July 20, 2011). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

* In addition, Coleman claims he received ineffective assistance of counsel when his attorney failed to file a timely notice of appeal. However, there is no constitutional right to counsel in a collateral attack. See Hunt v. Nuth, 57 F.3d 1327, 1340 (4th Cir. 1995). Thus, even if counsel in his § 2255 proceeding was ineffective, that performance cannot give rise to a cognizable claim for relief. United States v. MacDonald, 966 F.2d 854, 859 n.9 (4th Cir. 1992).